

Extract Of Creating a Safe Environment for Children and Adults at Risk of Harm Adults at Risk of Harm in Sport



Guidelines and Procedure for the Protection of Children and Adults at Risk of

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sportscotland
the national agency for sport

CONTENTS

PAGE

FOREWORD AND ACKNOWLEDGEMENTS

CODE OF CONDUCT FOR THE PROTECTION OF CHILDREN AND ADULTS AT RISK OF HARM ADULTS at RISK of HARM IN SPORT

SAFE IN CARE GUIDELINES

Adult to child ratios
Physical contact
First Aid and treatment of injuries
Managing challenging behaviour
Transporting children
Trips away from home
Information and communication technology

RESPONDING TO CONCERNS

Responding to concerns
Procedure for responding to concerns about a child or Adults at Risk
of Harm
Procedure for responding to concerns about the conduct of member
of staff or volunteer

APPENDICES

Appendix 1: What are we protecting children and Adults at Risk of
Harm against?

- Child abuse
- Bullying
- Racism
- Harassment

Appendix 2: Roles and responsibilities of Commonwealth Games
Scotland in Protecting Children and Adults at Risk of Harm

Appendix 3: Child protection and Adults at Risk of Harm –
Legislation

Appendix 4: Guidelines for managing bullying

FOREWORD

This Children and Adults at Risk of Harm Adults at Risk of Harm Protection Policy is designed for Commonwealth Games Scotland to highlight good practice and to help ensure the wellbeing and a safe environment for children, young people and Adults at Risk of Harm.

Sport can and does have a very powerful and positive influence on people – especially young people and Adults at Risk of Harm. Not only can sport provide opportunities for enjoyment and achievement, it can also help those who participate to develop valuable qualities and skills such as self-esteem, leadership and teamwork. These positive effects can only take place if sport is in the right hands – in the hands of those who place the wellbeing of all young people and Adults at Risk of Harm first and adopt practices that support, protect and empower them. The reality is that abuse does take place in sport and in some cases coaches and other trusted adults in sport have been convicted of abusing children and Adults at Risk of Harm. Additionally an athlete may tell a trusted coach or official of something that is happening to them in the community and the coach/official needs to respond appropriately.

Everyone has a duty of care towards children and Adults at Risk of Harm to help to protect them from abuse. It is hoped that the Commonwealth Games Scotland policy and procedures will help create a safe environment in sport, where children, Adults at Risk of Harm and the adults that aid them are protected and supported.

Commonwealth Games Scotland is committed to the protection of children and Adults at Risk of Harm through the adoption and implementation of this policy and these procedures.

This policy has been reviewed by CHILDREN 1ST.

ACKNOWLEDGMENTS

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sportscotland

Sports Coach UK

Scottish Disability Sport

**CODE OF CONDUCT
SAFE IN CARE GUIDELINES**

CODE OF CONDUCT FOR THE PROTECTION OF CHILDREN AND ADULTS AT RISK OF HARM IN SPORT

Why this is important

A Code of Conduct has a number of important functions. It:

- sets out what behaviour is acceptable and unacceptable
- defines standards of practice expected from those to whom it applies
- forms the basis for challenging and improving practice
- helps to safeguard staff by encouraging them to adhere to agreed standards of practice
- sets out for children and parents the standards of practice which they and the organisation should expect from those who work/volunteer with children

COMMONWEALTH GAMES SCOTLAND supports and requires all those working with children and adults at risk of harm to observe the following standards of practice, including verbal and non-verbal actions when involved in activities with children, young people and Adults at Risk of Harm.

All concerns about breach of this Code of Conduct will be taken seriously and responded to in line with **COMMONWEALTH GAMES SCOTLAND** Complaints Policy, Disciplinary Procedure and / or Procedure for Responding to Concerns about a Child or Adults at Risk of Harm.

GOOD PRACTICE

- Make sport fun, enjoyable and promote fair play.
- Treat all children, young people and Adults at Risk of Harm equally, with respect, dignity and fairness.
- Involve parents wherever possible.
- Build balanced relationships based on mutual trust that empower and include children, young people and Adults at Risk of Harm in the decision-making process.
- Always work in an open environment. Avoid private or unobserved situations.
- Put the welfare of each child and Adults at Risk of Harm first before winning or achieving performance goals.
- Be an excellent role model including not smoking or drinking alcohol in the company of children or Adults at Risk of Harm.
- Give enthusiastic and constructive feedback rather than negative criticism.
- Recognise the developmental needs and capacity of children, young people and Adults at Risk of Harm and avoid excessive training and competition, pushing them against their will and putting undue pressure on them.

PRACTICE TO BE AVOIDED

In the context of your role within **COMMONWEALTH GAMES SCOTLAND**, the following practice should be avoided:

- Having 'favourites' – this could lead to resentment and jealousy by other children, young people and Adults at Risk of Harm and could be misinterpreted by others.
- Spending excessive amounts of time alone with children, young people and Adults at Risk of Harm away from others.
- Entering children's, young people and Adults at Risk of Harm bedrooms on trips away from home, unless in an emergency situation or in the interest of health and safety. If it is necessary to enter rooms, alert the occupants by knocking and announcing your intention to enter. The door should remain open, unless there is an issue of privacy.
- Where possible, doing things of a personal nature for children, young people and Adults at Risk of Harm that they can do for themselves.

Considerations For Elite Sport: In sporting excellence, where the level of coaching and support is very high, there may be times where children, young people and Adults at Risk of Harm are in a one-to-one situation with their coach or other support personnel. It is important that where this is necessary the athlete and the athlete's parents provide consent for this to happen and another staff member/s as appropriate are informed of the following:

- The need for the one-to-one session;
- Where the session is to take place;

- The process in the event of a problem or issue arising; (This needs to be sensitively explained to children, parents and carers in a way that reflects their age, stage and understanding.)
- Who else will be present at the facility (facilities where there is no one else around should be avoided wherever possible).

It is important that programmes are developed with these issues in mind for the protection of the athlete, the coach and other support personnel, whilst also allowing flexibility for the progression of the performance development of the child, young person or Adults at Risk of Harm.

PRACTICE NEVER TO BE SANCTIONED

In the context of your role within **COMMONWEALTH GAMES SCOTLAND**, the following practices will **never be sanctioned**:

- Engaging in sexually provocative games, including horseplay.
- Engaging in rough or physical contact except as permitted within the rules of the game or competition.
- Forming intimate emotional, physical or sexual relationships with children, young person or Adults at Risk of Harm.
- Allowing or engaging in touching a child, young person or Adults at Risk of Harm in a sexually suggestive manner.
- Allowing coaches or support personnel, children, young person or Adults at Risk of Harm to swear or use sexualised language unchallenged.
- Making sexually suggestive comments to a child, young person or Adults at Risk of Harm even in fun.
- Reducing a child, young person or Adults at Risk of Harm to tears as a form of control.
- Allowing allegations made by a child, young person or Adults at Risk of Harm to go unchallenged, unrecorded or not acted upon.
- Inviting or allowing children, young person or Adults at Risk of Harm to stay with you at your home.
- Coaches and other leaders sharing a room alone with a child, young person or Adults at Risk of Harm for sleeping accommodation.

Some residential facilities offer dormitory sleeping arrangements where leaders may be required to share with children, young people or Adults at Risk of Harm. In such circumstances organisers must ensure that at least two adults who have been recruited and selected using the recommended procedure are present, preferably one male and one female, and that such arrangements have been discussed and agreed with the children, young people or Adults at Risk of Harm and their and parents in advance.

In some circumstances older children may be required to share rooms with senior team mates (i.e. over 18s). If this is necessary, it should be discussed and agreed in advance with the young person and the parents (where appropriate and practicable). The young people involved should also be aware of whom they should speak to if they have any worries or concerns during this time.

SAFE in CARE GUIDELINES

Why this is important

These guidelines have been introduced to provide practical guidance for those working and/ or volunteering directly with children and Adults at Risk of Harm on practices to keep the child and Adults at Risk of Harm safe and to promote a safe operating environment for the member of staff / volunteer. These guidelines compliment and should be read in conjunction with the Code of Conduct for the Protection of Children in Sport. Breach of these guidelines may be dealt with under **COMMONWEALTH GAMES SCOTLAND** Complaints Policy, Disciplinary Procedure and / or Procedure for Responding to Concerns About a Child.

Sports organisations have a *duty of care* towards all children and Adults at Risk of Harm involved in activities. Children under the age of 16 years should not be placed in positions of responsibility in relation to other children. These guidelines apply to all children and young people under the age of 18 years. Common sense should be applied when considering the circumstances of older children and all children should have the opportunity to express their views on matters which affect them, should they wish to do so.

As sport takes place in many different structures, locations, environments and formats, it is impossible to provide specific guidance on many of the issues covered. The following guidelines are therefore based on generally recognised good practice and common sense. Ultimately, most practical situations will require a judgment to be made about what is practicable and reasonable in the circumstances.

ADULT TO CHILD RATIOS

As a *guide*, the following ratios are recommended in the National Care Standards Early Education and Childcare up to the age of 18 (Scottish Executive, 2005):

Age: 3 and over 1:8
If all children are over 8 1:10

All activities should be planned to involve *at least* two adults, preferably one male and one female. As a general guide, the following factors will also be taken in to consideration in deciding how many adults are required to safely supervise children:

- The number of children involved in the activity.
- The age, maturity and experience of the children.
- Whether any of the group leaders or children has a learning or physical disability or special requirements.
- Whether any of the children have challenging behaviour.
- The particular hazards associated with the activity.
- The particular hazards associated with the environment.
- The level of qualification and experience of the leaders.
- The programme of activities.

There may be other considerations that are specific to the sport or environment in which the sport takes place.

The **COMMONWEALTH GAMES SCOTLAND** will try as far as is practicable to ensure that these guidelines are adhered to.

PHYSICAL CONTACT

All forms of physical contact should respect and be sensitive to the needs and wishes of the child and should take place in a culture of dignity and respect for all children, young people or Adults at Risk of Harm. Children, young people or Adults at Risk of Harm should be encouraged to express their views on physical contact.

In the first instance, coaching techniques should be delivered by demonstration (either by the coach or an athlete who can display the technique being taught).

Educational instruction should be clearly explained with a description of how it is proposed to handle or have contact with the child, young person or Adults at Risk of Harm before doing so. This should be accompanied by checking if the child, young person or Adults at Risk of Harm is comfortable. Manual support should be provided openly and must always be proportionate to the circumstances.

If it is necessary to help a child, young person or Adults at Risk of Harm with personal tasks e.g. toileting or changing, the child, young person or Adults at Risk of Harm and parents should be encouraged to express a preference regarding the support and should be encouraged to speak out about methods of support with which they are uncomfortable. Staff/ volunteers should work with parents and children young person or Adults at Risk of Harm to develop practiced routines for personal care so that parents and children, young person or Adults at Risk of Harm know what to expect.

Do not take on the responsibility for tasks for which you are not appropriately trained e.g. manual assistance for someone with a physical disability

FIRST AID and THE TREATMENT OF INJURIES

All staff/ volunteers must ensure:

- Where practicable all parents of children under 18 have completed a Partnership with Parents form before their child participates in **sport** (The Safe in Care - **COMMONWEALTH GAMES SCOTLAND** Partnership with Parents will be completed as part of an athlete's induction or review process).
- There is an accessible and well-resourced first aid kit at the venue.
- They are aware of any pre-existing medical conditions, medicines being taken by participants or existing injuries and treatment required.
- Only those with a current, recognised First Aid qualification treat injuries. In more serious cases assistance should be obtained from a medically qualified professional as soon as possible.
- A Significant Incident Form is completed if a child, young person or Adults at Risk of Harm sustains a significant injury along with the details of any treatment given. Common sense should be applied when determining which injuries are significant.
- Where possible, access to medical advice and / or assistance is available.
- A child's, young person or Adults at Risk of Harm's parents/carers are informed of any injury and action taken as soon as possible.
- The circumstances in which any accidents occur are reviewed to avoid future repetitions.

MANAGING CHALLENGING BEHAVIOUR¹

Staff / volunteers who deliver activities to children and Adults at Risk of Harm may, from time to time, be required to deal with their challenging behaviour.

These guidelines aim to promote good practice and to encourage a proactive response to supporting children, young person or Adults at Risk of Harm to manage their own behaviour. They suggest some strategies and sanctions which can be used and also identify unacceptable sanctions or interventions that must *never* be used by staff or volunteers.

These guidelines are based on the following principles:

- The welfare/wellbeing of the child, young person or Adults at Risk of Harm is the paramount consideration.
- A risk assessment should be completed for all activities that take in to consideration the needs of the all children, young person or Adults at Risk of Harm involved in the activity.
- Children or Adults at Risk of Harm must never be subject to any form of treatment that is harmful, abusive, humiliating or degrading and should always be able to maintain their respect and dignity.
- No member of staff should attempt to respond to challenging behaviour by using techniques for which they have not been trained.

Planning Activities

Good coaching practice requires planning sessions around the group as a whole but also involves taking into consideration the needs of each individual athlete within that group. As part of a risk assessment, coaches should consider whether any members of the group have presented in the past or are likely to present any difficulties in relation to either, the tasks involved, the other participants or the environment.

Where staff / volunteers identify any potential risks, strategies to manage those risks should be agreed in advance of the session, event or activity. The risk assessment should also identify the appropriate number of adults required to safely manage and support the session including being able to adequately respond to any challenging behaviour and to safeguard other members of the group and the staff / volunteers involved.

¹ Adapted from CHILDREN 1ST's Safe Care and Child Protection Standards, Policy and Procedures.

All those delivering activities to children, young person or Adults at Risk of Harm should receive training on these guidelines and should be supported to address issues of challenging behaviour through regular supervision.

Agreeing Acceptable and Unacceptable Behaviours

Staff, volunteers, children and parents should be involved in developing an agreed statement of what constitutes acceptable and unacceptable behaviour and the range of sanctions that may be applied in response to unacceptable behaviour. This can be done at the start of the season, in advance of a trip away from home or as part of a welcome session at a residential camp.

Issues of behaviour and control should regularly be discussed with staff, volunteers, parents and children in the context of rights and responsibilities. When children and Adults at Risk of Harm are specifically asked, as a group, to draw up a 'List of Acceptable and Unacceptable Behaviours and Sanctions for Unacceptable Behaviour' that will govern their participation in the group/team, they tend to arrive at a very sensible and working set of 'rules'. If and when such a list is compiled, every member of the group can be asked to sign it, as can new members as they join.

Managing Challenging Behaviour

In dealing with children, young people or Adults at Risk of Harm who display risk-taking or challenging behaviours, staff and volunteers might consider the following options:

- Time out - from the activity, group or individual work.
- Reparation - the act or process of making amends.
- Restitution - the act of giving something back.
- Behavioural reinforcement - rewards for good behaviour, consequences for negative behaviour.
- De-escalation of the situation - talking through with the child, young person or Adults at Risk of Harm.
- Increased supervision by staff / volunteers.
- Use of individual 'contracts' or agreements for their future or continued participation.
- Sanctions or consequences e.g. missing an outing.

Adults and children shall never be permitted to use any of the following as a means of managing a child's, young person or Adults at Risk of Harm's behaviour:

- Physical punishment or the threat of such.
- The withdrawal of communication with the child.
- Being deprived of food, water or access to changing facilities or toilets.
- Verbal intimidation, ridicule or humiliation.

Staff and volunteers should review the needs of any child, young person or Adults at Risk of Harm for whom sanctions are frequently necessary. This review should involve the child and parents to ensure an informed decision is made about the child's, young person or Adults at Risk of Harm's future or continued participation in the group or activity. Whilst it would always be against the wishes of everyone involved **sport**, ultimately, if a child, young person or Adults at Risk of Harm continues to present a high level of risk or danger to him or herself, or others, he or she may have to be debarred from activity in the sport.

Physical Interventions

The use of physical interventions **should always be avoided unless it is absolutely necessary** in order to prevent a child, young person or Adults at Risk of Harm injuring themselves, injuring others or causing serious damage to property. All forms of physical intervention shall form part of a broader approach to the management of challenging behaviour.

Physical contact to prevent something happening should always be the result of conscious decision-making and not a reaction. Before physically intervening, the member of staff or volunteer should ask themselves, 'Is this the only option in order to manage the situation and ensure safety?'

The following must always be considered:

- Contact should be avoided with buttocks, genitals and breasts. Staff / volunteers should never behave in a way which could be interpreted as sexual.
- Any form of physical intervention should achieve an outcome that is in the best interests of the child whose behaviour is of immediate concern.

- Staff / volunteers should consider the circumstances, the risks associated with employing physical intervention compared with the risks of not employing physical intervention.
- The scale and nature of physical intervention must always be proportionate to the behaviour of the young person and the nature of harm / damage they might cause.
- All forms of physical intervention should employ only a reasonable amount of force- the minimum force needed to avert injury to a person or serious damage to property – applied for the shortest period of time.
- Staff / volunteers should never employ physical interventions which are deemed to present an unreasonable risk to children or staff / volunteers.
- Staff / volunteers shall never use physical intervention as a form of punishment.

Any physical intervention used should be recorded as soon as possible after the incident by the staff / volunteers involved using the Significant Incident and Child/Adults at Risk of Harm Protection Form (see Section 6) and passed to the Child Protection Officer as soon as possible.

A timely debrief for staff / volunteers, the child or Adults at Risk of Harm and parents should always take place following an incident where physical intervention has been used. This should include ensuring that the physical and emotional well-being of those involved has been addressed and ongoing support offered where necessary. Staff / volunteers, the child or Adults at Risk of Harm and parents should be given an opportunity to talk about what happened in a calm and safe environment.

There should also be a discussion with the child or Adults at Risk of Harm and parents about the child's and Adults at Risk of Harm's needs and continued safe participation in the group or activity.

TRANSPORTING CHILDREN

Where it is necessary to transport children, the following good practice is required:

- Where parents make arrangements for the transportation of children to and from the activity, *out with* the knowledge of **COMMONWEALTH GAMES SCOTLAND** it will be the responsibility of the parents to satisfy themselves about the appropriateness and safety of the arrangements.
- Where **COMMONWEALTH GAMES SCOTLAND** makes arrangements for the transportation of children the members of staff / volunteers involved will undertake a risk assessment of the transportation required. This will include an assessment of the following areas:
 - Ensuring that all vehicles are correctly insured for the purpose.
 - Ensuring the driver has a valid and appropriate license for the vehicle being used.
 - All reasonable safety measures are available i.e. fitted, working seatbelts.
 - An appropriate ratio of adults per child.
 - Ensuring drivers have adequate breaks.
- When transporting children, wherever possible they should be in the back seat of the car for health and safety reasons.
- Where practicable and planned, written parental consent will be requested if staff/ volunteers are required to transport children.

To safeguard the member of staff / volunteer the following good practice is required:

- Agree a collection policy with parents that will include a clear and shared understanding of arrangements for collection at the end of a session.
- Always tell another member that you are transporting a child, give details of the route and the anticipated length of the journey.
- Take all reasonable safety measures e.g. children in the back seat, seatbelts worn.
- Where possible, have another adult accompany you on the journey.
- Call ahead to inform the child's parents that you are giving them a lift and inform them when you expect to arrive.

TRIPS AWAY FROM HOME (INVOLVING OVERNIGHT STAYS)

1. *Designate a Child Protection Officer for the Trip*

Those in charge of the group will be responsible for the safety and wellbeing of children and Adults at Risk of Harm in their care. It is recommended that one of the group leaders co-ordinates the arrangements to safeguard the safety and welfare of children and Adults at Risk of Harm during the trip. The Child Protection Officer should ensure all practical arrangements have been addressed and act as the main contact for dealing with any concerns about the safety and welfare of children and Adults at Risk of Harm whilst away from home.

A detailed itinerary will be prepared and copies provided to the designated contact for **COMMONWEALTH GAMES SCOTLAND** and parents.

2. *Risk Assessment*

Potential area of risk should be identified at the planning stage through a risk assessment, which is legally required, and which should be recorded in writing. Safeguards should be put in place to manage the risks, where appropriate. Risk assessment should be an on-going process throughout the trip as groups can often find themselves in unexpected situations despite the best laid plans!

3. Travel Arrangements

See page 13 Guidelines on Transporting Children. Organisers must ensure there is adequate and relevant insurance cover (including travel and medical insurance). If the trip involves travel abroad, organisers shall ensure they are aware of local procedures for dealing with concerns about the welfare of children and are familiar with the details of the emergency services in the location of the visit. Children should be informed of local custom regulations.

4. Adult to Child Ratios

All trips away should be planned to involve *at least* two adults, preferably one male and one female where possible. The guidelines on adult to child ratios (see page 9) will inform an assessment of the numbers of adults required to safely supervise the group.

Those involved should be recruited and selected in accordance with the procedure for recruiting child care positions.

Group leaders should be familiar with and agree to abide by the **COMMONWEALTH GAMES SCOTLAND** Child Protection Policy, Procedures and Code of Conduct.

5. Accommodation

Organisers should find out as much as possible about the accommodation and the surroundings at the planning stage. *Where possible*, an initial visit to the venue/ accommodation should take place to help those organising the trip identify all practical issues and allow time to address them in advance, in consultation with children and parents where appropriate.

The following is a (non-exhaustive) list of some of the practical things that should be considered in advance about the arrangements for accommodation:

- Location: central and remote locations both present different challenges.
- Sleeping arrangements. These will enable suitable sharing in terms of age and gender and appropriately located staff / volunteer bedrooms for both supervision and ease of access in case of emergency. Parents, children and Adults at Risk of Harm should be consulted in advance about arrangements for sharing where possible and appropriate.
- Appropriate safeguards where others have access to the sleeping quarters.
- Special access or adaptive aids required by group leaders, children or Adults at Risk of Harm.
- Environmental factors.
- Personal safety issues.

Exchange Visits / Hosting

Before departure, organisers should ensure there is a shared understanding of the standards expected during home stays between them, host organisation / families, parents and athletes themselves. These standards should include arrangements for the supervision of children and Adults at Risk of Harm during the visit.

Host families should be appropriately Disclosure Scotland Checked where possible or equivalent police checks undertaken and references thoroughly checked. Organisers, parents and athletes should all be provided with a copy of emergency contact numbers.

Children and Adults at Risk of Harm should be made aware of who they should talk to if problems arise during the visit and positively encouraged to speak up if they have any worries or concerns. Children and young people should be assured they will be listened to and the appropriate response will be taken. Daily contact should be made with all children and Adults at Risk of Harm to ensure they are safe and well.

Residential at a Facility / Centre

Organisers should ensure the facility is appropriately licensed and has adequate and relevant insurance cover in place. The facility should have a policy on the protection of children and Adults at Risk of Harm and Health and Safety. Adequate security arrangements should be in place and facility staff should have been Disclosure Scotland checked where appropriate. Facility staff involved in the training or instruction of children and Adults at Risk of Harm must be appropriately qualified and trained.

Organisers should ensure there is adequate supervision of the group for the duration of the stay, particularly when the facility is being shared with other groups.

6. Involving Parents

Where possible, a meeting should be held with parents before departure to share information about the trip, answer their questions and make joint decisions about arrangements where appropriate. A Code of Conduct shall be agreed with athletes and parents in advance of the trip along with sanctions for unacceptable behaviour.

Parents must complete a Safe in Care - **COMMONWEALTH GAMES SCOTLAND** Partnership with Parents Form and provide emergency contact details.

In the event of an emergency at home during the trip, parents should be encouraged to make contact with the group leaders in the first instance so that arrangements can be put in to place to support the athlete on hearing any distressing news.

7. During the Trip

Organisers must ensure arrangements are in place for the supervision and risk assessment of activities during free time. Children and Adults at Risk of Harm shall not be allowed to wander alone in unfamiliar places.

Group leaders should have clear roles and responsibilities for the duration of the trip. They must not be over familiar with or fraternise with children or Adults at Risk of Harm during the trip and remember that they are in a position of trust at all times. The use of alcohol and / or drugs or engaging in sexual relationships (between two young people) should not be condoned during the trip, even if the legislation relating to any of these behaviours is more lenient than in Scotland.

Group leaders should maintain an overview of the wellbeing of all children and Adults at Risk of Harm during the trip. This can help to identify issues at an early stage and resolve them as quickly as possible. Children and Adults at Risk of Harm can participate in this process by, for example, taking turns to complete a daily diary about the trip. This can be an overt or discreet way for them to communicate things (both positive and negative) that they want you to know.

8. After the Trip

Where appropriate, a debrief will take place with all those involved in the trip, including children and Adults at Risk of Harm. This will provide an opportunity to reflect on what went well, not so well and what could have been done differently. Feedback will be used to inform future trips.

INFORMATION AND COMMUNICATIONS TECHNOLOGY (ICT)

The aim of these guidelines is to not to prevent bona fide persons from recording footage for performance development reasons or the recording of achievements. They aim to ensure that children and Adults at Risk of Harm are protected from the misuse of opportunities to take or manipulate film and video footage in a way that harms children and Adults at Risk of Harm or places them at risk of harm.

Some sports take place in areas where organisers have little or no control over the environment such an open river or areas to which the public have general rights of access e.g. the open countryside. In these circumstances, organisers should take all reasonable steps to promote the safe use of photographing and filming and to respond to any concerns raised.

1. PHOTOGRAPHS, FILM and VIDEO

Scope

- **COMMONWEALTH GAMES SCOTLAND** will take all reasonable steps to promote the safe use of

photographing and filming at all events and activities with which it is associated. However, **COMMONWEALTH GAMES SCOTLAND** has no power to prevent individuals photographing or filming in public places.

- **COMMONWEALTH GAMES SCOTLAND** reserves the right at all times to prohibit the use of photography, film or video at any event or activity with which it is associated.

Notification

- Parents and athletes will be informed they may, from time to time, be photographed or filmed whilst participating in their sport. This could be for one of the following reasons:
 - (i) Video footage for performance development.
 - (ii) Media coverage of an event or achievement.
 - (iii) Promotional purposes e.g. website or publication.
- Materials promoting events will state, where possible, photography and filming will take place.
- Those who have sought and obtained permission to photograph or film will be formally identifiable e.g. a badge or sticker will be issued, after production of the letter of approval and identification.
- Information about what to do if concerned about photographing and filming will be available at all events.
- Registration of intention to photograph will be required on the day. This enables tracking of the equipment and operator should concerns arise in the future.

Permission

- Parents will be offered the opportunity to withhold their permission to photographing and filming. In the absence of any expressed objection, parental agreement will be assumed.
- **COMMONWEALTH GAMES SCOTLAND** will do everything reasonable in the individual circumstances to give effect to the wishes of parents and athletes. All actions by **COMMONWEALTH GAMES SCOTLAND** will be based on the best interests of the child and Adults at Risk of Harm.

Use of Images and Information

- No unsupervised access or one-to-one sessions will be allowed unless this has been explicitly agreed with the athlete and parent.
- No photographing or filming will be permitted in changing areas.
- All images and accompanying information will comply with **COMMONWEALTH GAMES SCOTLAND** Safe in Care Guidelines, where this is within the control of **COMMONWEALTH GAMES SCOTLAND**.
- **COMMONWEALTH GAMES SCOTLAND** will ensure that all negatives, copies of videos and digital photograph files are stored in a secure place. These will not be kept for any longer than is necessary having regard to the purposes for which they were taken.
- Images will not be shared with external agencies unless express permission is obtained from the athlete and parent.

Concerns

- Anyone behaving in a way that could reasonably be construed as inappropriate in relation to filming or photographing should be reported to the person in charge on the day. They should be approached for an explanation. If a satisfactory explanation is not provided, the circumstances should be reported to the person in charge on the day or **COMMONWEALTH GAMES SCOTLAND** Child Protection Officer or their Deputy.
- Where appropriate concerns should also be reported to the police.

2. INTERNET

Permission

- Written consent must be obtained from the child's or Adults at Risk of Harm's parent before publishing any information about them. If the material is changed from the time of consent, the parents must be informed and consent provided for the changes.
- Special care must be taken in relation to vulnerable children e.g. child fleeing domestic violence or a child with a disability, and consideration given to whether publication would place the child at risk.
- Young athletes who have a public profile as a result of their achievements are entitled to the same protection as all other children. In these cases, common sense is required when implementing these guidelines. All decisions should reflect the best interests of the child or Adults at Risk of Harm.

Use of Images and Information

- Information published on the websites must never include personal information that could identify a child or Adults at Risk of Harm e.g. home address, e-mail address, and telephone number. All contact must be directed to **COMMONWEALTH GAMES SCOTLAND**.
- Children and Adults at Risk of Harm must never be portrayed in a demeaning, tasteless or a provocative manner. Children and Adults at Risk of Harm should never be portrayed in a state of partial undress, other than when depicting an action shot within the context of the sport. Attire such as tracksuits or t-shirts may be more appropriate.
- Information about specific events or meetings e.g. coaching sessions must not be distributed to any individuals other than to those directly concerned.

Concerns

- Any concerns or enquiries about publications or the internet should be reported to **COMMONWEALTH GAMES SCOTLAND** Child Protection Officer or their Deputy.

3. MOBILE PHONES

Short Message Service (SMS) messaging is a quick and easy way to communicate with others and is a popular and often preferred means of communication with athletes. Staff and volunteers must be aware that intimidating, bullying or even abusive messages can be discreetly sent by text. Information sent in this way, even where well-meaning, could be misinterpreted.

Further, the risks presented by developments in modern technology are becoming increasingly recognised. Adults who seek to harm children and Adults at Risk of Harm have been known to use text messaging and internet chat rooms to “groom” children. This area is now specifically addressed by the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005.

3.1 TEXTING

Staff / volunteers must consider whether it is necessary and appropriate to hold the mobile phone numbers of children and Adults at Risk of Harm. The general principle is that all communications with children should be open, transparent and appropriate to the nature of the relationship.

In the first instance contact should always be made at the phone number the parent has provided on the child’s and Adults at Risk of Harm’ behalf. Good practice would include agreeing with athlete and parents what kind of information will be communicated directly to children by text message. This information should only be “need to know” information such as the last minute cancellation of a training session.

The following good practice is also required:

- the mobile phone numbers of children and Adults at Risk of Harm will be carefully stored (in accordance with data protection principles) and access will only be provided to those who need access for a legitimate reason.
- staff/volunteers must never engage in personal or sensitive communications with children and Adults at Risk of Harm via text message.
- Any concerns about the inappropriate use of text messaging should be reported to **COMMONWEALTH GAMES SCOTLAND** Child Protection Officer or their Deputy.

3.2 CAMERAS / VIDEOS

There have already been a number of cases where children have been placed at risk as a result of the ability to discreetly record and transit images through mobile phones. The use of mobile phones in this way can be very difficult to monitor.

The Procedure for the use of Photographs, Film and Video should be observed in relation to the use of mobile phones as cameras / videos. Particular care is required in areas where personal privacy is important e.g. changing rooms, bathrooms and sleeping quarters. No photographs or video footage should ever be permitted in such areas of personal privacy.

- All concerns about the inappropriate use of mobile phones to record photographs or video footage should be reported to **COMMONWEALTH GAMES SCOTLAND** Child Protection Officer or their Deputy.

RESPONDING TO CONCERNS

RESPONDING TO CONCERNS

Why it is important to respond to concerns

It takes considerable courage for a child or Adults at Risk of Harm to disclose abuse. Disclosures need to be handled very carefully and sensitively to avoid causing further distress.

All concerns must be responded to in a way that ensures that a child or Adults at Risk of Harm receives appropriate help and support and to ensure that appropriate action is taken against those who pose a risk to children and Adults at Risk of Harm and to protect not only the child/Adults at Risk of Harm involved but also all other children and Adults at Risk of Harm.

Robust procedures for responding to concerns will:

- help to avoid those receiving information from engaging in judgements.
- reassure those who report concerns that an appropriate course of action will ensue.
- support those charged with managing concerns by providing them with a step-by-step process to follow.
- safeguard the rights of those against whom complaints or allegations have been made.

It is not the job of anyone in COMMONWEALTH GAMES SCOTLAND to decide whether or not a child or Adults at Risk of Harm has been abused. It is however, everyone's responsibility to report concerns.

Confidentiality

The Information Commissioners Office in Scotland is clear that information provided to organisations should remain confidential unless permission has been given to share the information by the individual concerned or the safety of that person or another person may be at risk.

However

If there is a concern that a child or Adults at Risk of Harm may be at risk of significant harm, this will always override a professional or organisational requirement to keep information confidential. It is good practice to inform parents and children about the kind of situations which may lead to them having to share information with other agencies.

Defamation

Concerned adults are sometimes reluctant to report concerns about abuse for fear that the person suspected will sue them for defamation if the allegation turns out to be unfounded.

To be defamatory a statement must first of all be untrue. Even if subsequently shown to be untrue, the statement will be protected by 'qualified privilege' if it is made to the appropriate authority "in response to a duty, whether legal, moral or social or in the protection of an interest" (Norrie K, Defamation and Related Actions in Scots Law, 1995). Unjustified repetition of the allegations to other persons will not be protected by privilege.

The qualification on privilege refers to statements made by malice. If a statement, even to the appropriate authority, can be shown to be motivated by malice, then an action of defamation could be successful.

(Taken from Guidelines for Child Protection Prepared for the Independent Schools in Scotland, Kathleen Marshall, Second Edition, January 1997)

PROCEDURES FOR RESPONDING TO CONCERNS ABOUT A CHILD OR ADULTS AT RISK OF HARM

These procedures apply to all staff and volunteers involved in Commonwealth Games Scotland.

1. Concerns about the General Welfare/Wellbeing of a Child or Adults at Risk of Harm (NOT involving concerns about child or Adults at Risk of Harm abuse)

COMMONWEALTH GAMES SCOTLAND is committed to working in partnership with parents whenever there are concerns about a child or Adults at Risk of Harm. Parents and carers have the primary responsibility for the safety and wellbeing of their children and Adults at Risk of Harm.

In most situations, not involving the possibility of the abuse of a child or Adults at Risk of Harm, concerns should be discussed with parents/carers/the adult at risk. For example, if a child or Adults at Risk of Harm seems withdrawn, he/she may have experienced an upset in the family, such as a parental separation, divorce or bereavement. Common sense is advised in these situations.

Any significant, untoward or unusual incidents which cause concern about the welfare of a child or Adults at Risk of Harm should be recorded on the Significant Incident and Child/Adults at Risk of Harm Protection Form (see Section 6) and reported to **COMMONWEALTH GAMES SCOTLAND** Child Protection Officer or their Deputy as soon as possible. Parents should also be informed of the circumstances as soon as possible.

Advice should be sought from **COMMONWEALTH GAMES SCOTLAND** Child Protection Officer or their Deputy if there is any uncertainty about the appropriate course of action where there are concerns about the general welfare of a child or Adults at Risk of Harm.

2. What to Do if a Child or Adults at Risk of Harm Tells You about Abuse

No member of COMMONWEALTH GAMES SCOTLAND shall investigate allegations of abuse or decide whether or not a child or Adults at Risk of Harm has been abused.

Allegations of abuse must always be taken seriously. False allegations are very rare. If a child or Adults at Risk of Harm says or indicates they are being abused or information is obtained which gives concern that a child or Adults at Risk of Harm is being abused, the information must be responded to on the same day in line with the following procedure.

2a Respond

- React calmly so as not to frighten the child or Adults at Risk of Harm.
- Listen to the child or Adults at Risk of Harm and take what they say seriously. Do not show disbelief.
- Reassure the child or Adults at Risk of Harm they are not to blame and were right to tell someone.
- Be aware of interpreting what a child or Adults at Risk of Harm says, especially if they have learning or physical disabilities which affect their ability to communicate or English is not their first language.
- Do not assume that the experience was bad or painful - it may have been neutral or even pleasurable.
- Avoid projecting your own reactions onto the child or Adults at Risk of Harm.
- Avoid asking any questions. If necessary only ask enough questions to gain basic information to establish the *possibility* that abuse may have occurred. Only use open-ended, non-leading questions e.g. Who? Where? When?
- Do not introduce personal information from either your own experiences or those of other children or Adults at Risk of Harm.

Avoid:

- Panicking.
- Showing shock or distaste.
- Probing for more information than is offered.
- Speculating or making assumptions.
- Making negative comments about the person against whom the allegation has been made.
- Approaching the individual against whom the allegation has been made.
- Making promises or agreeing to keep secrets and giving a guarantee of confidentiality.

Where there is uncertainty about what to do with the information, the **COMMONWEALTH GAMES SCOTLAND** Child Protection Officer or their Deputy must firstly be consulted for advice on the appropriate course of action.

If Commonwealth Games Scotland Child Protection Officer or their Deputy is unavailable or an immediate response is required the police (and social work services (Children and Family Department) must be consulted for advice. They have a statutory responsibility for the protection of children and Adults at Risk of Harm and they may already hold other concerning information about the child or Adults at Risk of Harm. Record any advice given.

If you are concerned about the *immediate* safety of the child or Adults at Risk of Harm:

Take whatever action is required to ensure the child or Adults at Risk of Harm's immediate safety.

Pass the information immediately to the police and seek their advice.

2b Record

Make a written record of the information as soon as possible using the Significant Incident Form (and Child and Adults at Risk of Harm Protection Referral Form - see Section 6), completing as much of the form as possible. The following information will help the police and social workers decide what action to take next:

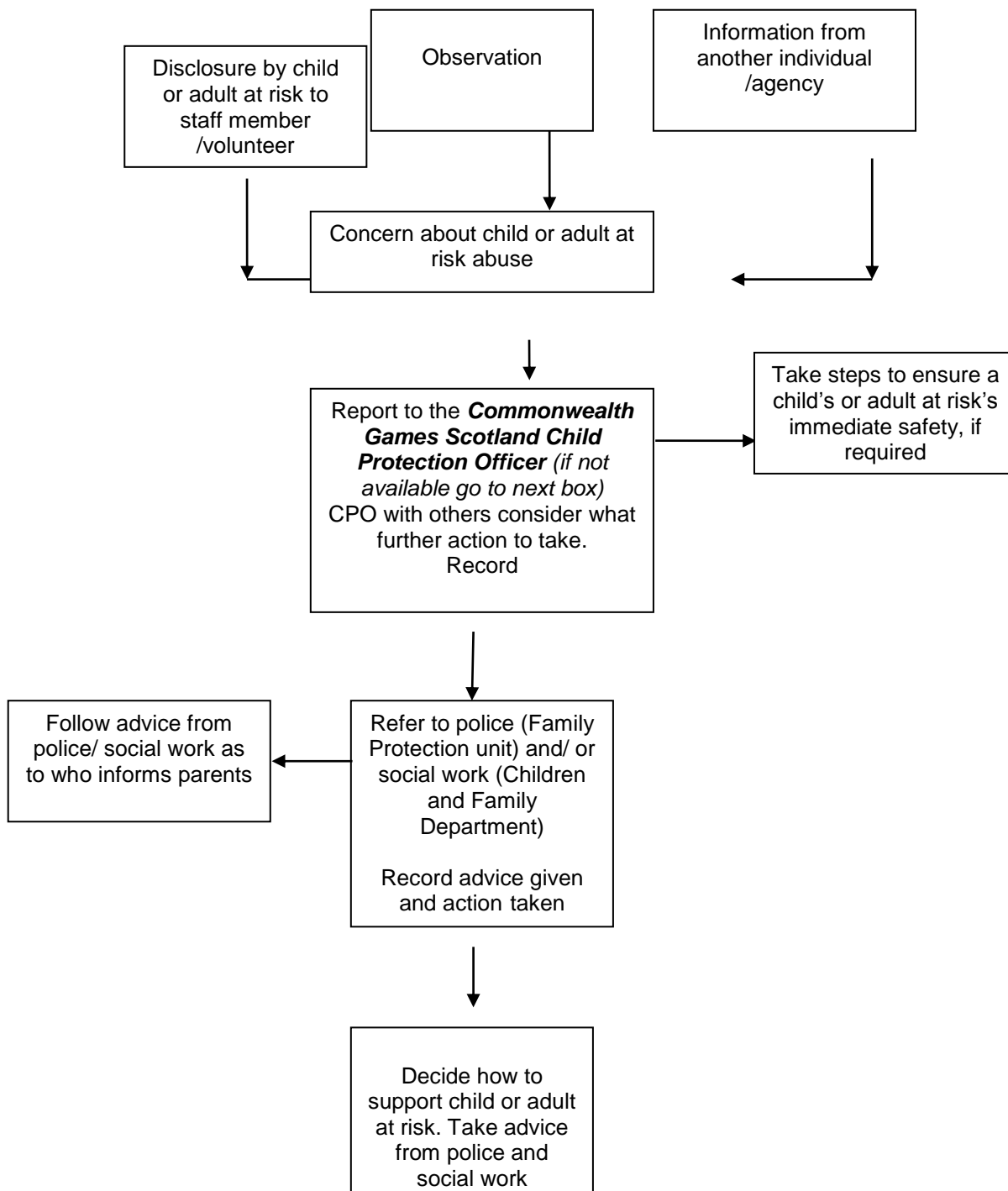
- Child or Adults at Risk of Harm's name, age and date of birth.
- Child or Adults at Risk of Harm's home address and telephone number.
- Any times, dates or other relevant information.
- Whether the person making the report is expressing their own concern or the concerns of another person.
- The child or Adults at Risk of Harm's account, if it can be given, of what has happened and how any injuries occurred *using the child or Adults at Risk of Harm's own words*.
- The nature of the concern (include all of the information obtained during the initial account e.g. time, date, location).
- A description of any visible (when normally dressed) injuries or bruising, behavioural signs, indirect signs (do not physically examine the child or Adults at Risk of Harm).
- Details of any witnesses.
- Whether the child or Adults at Risk of Harm's parents have been informed.(see 2c below)
- Details of anyone else who has been consulted and the information obtained from them.
- If it is not the child or Adults at Risk of Harm making the report, whether the child or Adults at Risk of Harm has been spoken to, if so what was said *using the child or Adults at Risk of Harm's own words*.
- The child or Adults at Risk of Harm's views on the situation.

If completing the form electronically, do not save copies to the hard drive or floppy disk. Print a copy, sign and date and then delete immediately. Pass the record to social work services (Children and Family Department) or the police (Family Protection Unit) and to Commonwealth Games Scotland Child Protection Officer or their Deputy that day.

2c Sharing Concerns with Parents

Where there are concerns that the parent(s) may be responsible for or have knowledge of the abuse, sharing concerns with the parent(s) may place the child or Adults at Risk of Harm at further risk. ***In such cases advice must always firstly be sought from the police or social work services as to who informs the parents.***

RESPONDING TO CONCERNS ABOUT CHILD OR ADULTS AT RISK OF HARM ABUSE



PROCEDURE FOR RESPONDING TO CONCERNS ABOUT THE CONDUCT OF A MEMBER OF STAFF OR VOLUNTEER

Concerns about the Conduct of a Member of Staff

This section of the procedures should be read in conjunction with Commonwealth Games Scotland Complaints and Disciplinary Procedures. Section 2 (above) 'What to do if a Child or Adults at Risk of Harm tells you about Abuse', applies whether the information is about a member of staff or someone not connected in any way with Commonwealth Games Scotland. The following section details the procedure to be followed where the concern is about a member of staff.

These procedures aim to ensure that all concerns about the conduct of a member of staff are dealt with in a timely, appropriate and proportionate manner. No member of staff Commonwealth Games Scotland in receipt of information that causes concern about the conduct of a member of staff towards child or Adults at Risk of Harm shall keep that information to himself or herself, or attempt to deal with the matter on their own.

In the event of an investigation in to the conduct of a member of staff all actions will be informed by the principles of natural justice:

- Employees will be made aware of the nature of concern or complaint.
- Where the concern is about possible child or Adults at Risk of Harm abuse, advice will firstly be taken from the police as to what can be said to the employee.
- An employee will be given an opportunity to put forward their case.
- Commonwealth Games Scotland will act in good faith to ensure the matter is dealt with impartially and as quickly as possible in the circumstances.

In all cases where there are concerns about the conduct of a member of staff towards children, the welfare of the child or Adults at Risk of Harm will be the paramount consideration.

At any point in the management of concerns about the conduct of a member of staff, advice may be sought from the police or social work services.

1. Initial Reporting of Concerns

Any concerns for the welfare of a child or Adults at Risk of Harm arising from the conduct of any member of staff must be reported to the line manager/ Commonwealth Games Scotland Child Protection Officer or their Deputy on the day the concern arises, as soon as practically possible.

Where the concern is about the Child Protection Officer it must be reported to the Child Protection Officer's Line Manager.

2. Recording

Concerns must be recorded using the Significant Incident and Child/Adults at Risk of Harm Protection Form (see Section 6) as soon as possible. Reporting the concerns to Commonwealth Games Scotland Child Protection Officer or their Deputy should **not** be delayed by gathering information to complete the form or until a written record has been made.

All subsequent actions taken and reasons for decisions shall be contemporaneously recorded on the Significant Incident Form, signed and dated by the line manager/ Commonwealth Games Scotland Child Protection Officer or their Deputy or the person appointed to manage the response to the concerns. Where Disciplinary Procedures are invoked, a written record will be made of all actions and reasons for decision. Guidance on the storage, sharing and retention of such records is contained in the relevant procedure.

3. Establishing the Basic Facts

Once the concerns have been reported, Commonwealth Games Scotland Child Protection Officer or their Deputy will:

- Establish the basic facts

- Conduct an initial assessment of the facts in order to determine the appropriate course of action.
- Consult external agencies such as the police and social work services for advice at any time. This is important because they may hold other important information which, when considered alongside the current concerns builds a significant picture of concern.

4. Conducting the Initial Assessment

Commonwealth Games Scotland Child Protection Officer or their Deputy will conduct the initial assessment.

The purpose of the initial assessment is to clarify the nature and context of the concerns. It should determine whether there is reasonable cause to suspect or believe that a child or Adults at Risk of Harm has been abused/ harmed or is at risk of abuse or harm. Every situation is unique so guidance cannot be prescriptive.

- Where the established facts support a concern about possible abuse, the initial assessment will not form part of the disciplinary investigation.
- Subject to the nature and seriousness of the situation, if it is not clear at this stage whether a criminal offence may have been committed the member of staff *may* be approached as part of the information gathering process. Where the nature and seriousness of the information suggests that a criminal offence *may* have been committed, or that to assess the facts may jeopardise evidence, *advice will be sought from the police before the member of staff is approached.*
- An initial assessment of the basic facts may require the need to ask a child or Adults at Risk of Harm some basic, open-ended, non- leading questions *solely with a view to clarifying the basic facts.* It may also be necessary to ask similar basic questions of other children, or other appropriate individuals.
- Interviewing children or Adults at Risk of Harm about possible abuse and criminal offences is the sole remit of specially trained police officers and social workers. Questioning of children or Adults at Risk of Harm by those conducting an initial assessment should always be avoided as far as possible. If it is necessary to speak to the child or Adults at Risk of Harm in order to clarify the basic facts best practice suggests that consent from the parent be obtained.

Possible outcomes of initial assessment:

- (i) No further action (facts do not substantiate complaint).
- (ii) Situation is dealt with under procedures to manage poor practice; and/or,
- (iii) Disciplinary investigation (by Commonwealth Games Scotland).
- (iv) Child or Adults at Risk of Harm protection investigation (jointly by police and social work services).
- (v) Criminal investigation (by the police). The results of a criminal investigation may well influence the disciplinary investigation, but not in all cases.
- (vi) Civil proceedings (by the child or Adults at Risk of Harm/family who alleged abuse).

5. Initial assessment supports concerns about poor practice and/or misconduct (but not possible child or Adults at Risk of Harm abuse)

Commonwealth Games Scotland Child Protection Officer or their Deputy will deal with the situation in line with Commonwealth Games Scotland or Host Agency Disciplinary Procedures.

Pending the outcome of any investigation conducted under Disciplinary Procedures, precautionary suspension will be considered in all cases where there is significant concern about the conduct of a member of staff towards children or Adults at Risk of Harm (*see Section 7*). The welfare of children and Adults at Risk of Harm will be the paramount concern in such circumstances.

Where the circumstances meet the referral criteria set out in the Protection of Vulnerable Groups (Scotland) Act 2007, Commonwealth Games Scotland has a duty to make a referral to Disclosure Scotland (*see section 11*).

6. Initial assessment supports concerns about possible child or Adults at Risk of Harm abuse

Where the initial assessment of information gives reasonable cause to suspect or believe possible child or Adults at Risk of Harm abuse Commonwealth Games Scotland Child Protection Officer or their Deputy will refer the concerns to the police and/or social work services as soon as possible on the day the information is received.

Commonwealth Games Scotland Child Protection Officer or their Deputy will make a written record of the name and designation of the social worker or the police officer to whom the concerns were passed together with the time and date of the call, in case any follow up is required.

Referrals to the police/social work services will be confirmed in writing by Commonwealth Games Scotland Child Protection Officer or their Deputy within 24 hours. A copy of the Significant Incident Form should be provided to the police/ social work services on request.

Appropriate steps will be taken to ensure the safety of the child or Adults at Risk of Harm or who may be at risk. The parents of the child or Adults at Risk of Harm involved will be informed as soon as possible following advice from the police/ social work services.

Advice will firstly be obtained from the police/social work services about informing the staff member involved about the concerns. If the advice is to inform the staff member, they will be told that information has been received which may suggest an allegation of abuse. As the matter will be *sub judice* no details will be given unless advised by the police. All actions will ensure the best evidence is preserved for any criminal proceedings while at the same time safeguarding the rights of the employee.

Commonwealth Games Scotland will take all reasonable steps to support a member of staff against whom an allegation of abuse has been made.

7. Precautionary Suspension

Suspension is not a form of disciplinary action. The staff member involved may be suspended whilst an investigation is carried out.

Suspension will be carried out by the **Child Protection Officer** in accordance with Commonwealth Games Scotland Disciplinary Procedures. At the suspension interview the member of staff will be informed of the reason for suspension (within the confines of sharing information) and given the opportunity to make a statement should they wish to do so.

Notification of the suspension and the reasons will be conveyed in writing to the staff member in accordance with Commonwealth Games Scotland Disciplinary Procedures.

8. Disciplinary Investigation

Following advice from the police, cases that also involve a criminal investigation, will not preclude disciplinary action being taken provided sufficient information is available to enable Commonwealth Games Scotland Child Protection Officer or their Deputy to make a decision and that to do so does not jeopardise the criminal investigation.

9. False or Malicious Allegations

In the very exceptional circumstances that an investigation establishes an allegation is false, unfounded or malicious:

- The staff member involved will receive an account of the circumstances and/or investigation and a letter confirming the conclusion of the matter. They may wish to seek legal advice.
- All records pertaining to the circumstances and investigation will be destroyed.
- Commonwealth Games Scotland Child Protection Officer or their Deputy will take all reasonable steps to support the individual in this situation.
- In these circumstances **COMMONWEALTH GAMES SCOTLAND** will review the child or Adults at Risk of Harm's participation in Commonwealth Games Scotland programme.
- Data collected for the investigation will be destroyed in accordance with the requirements of the Data Protection Act 1998.

10. Historical Allegations of Abuse

Allegations of abuse may be made some time after the event e.g. an adult who was abused as a child by someone who is still currently working with children or Adults at Risk of Harm. These procedures will be followed in the event of an allegation of historical abuse.

11 Protection of Vulnerable Groups (Scotland) Act 2007

a) Commonwealth Games Scotland will refer to Disclosure Scotland the case of any member of staff/volunteer who (whether or not in the course of their role within the organisation) has:

- harmed a child
- placed a child at risk of harm
- engaged in inappropriate conduct involving pornography
- engaged in inappropriate conduct of a sexual nature involving a child, or
- given inappropriate medical treatment to a child.

AND as a result:

1. Commonwealth Games Scotland has dismissed the member of staff or volunteer.
2. The member of staff or volunteer would have been dismissed as a result of the incident had they not resigned, retired or been made redundant.
3. Commonwealth Games Scotland has transferred the member of staff/volunteer to a position in Commonwealth Games Scotland which is not regulated work with children.
4. The member of staff or volunteer would have been dismissed or considered for dismissal where employment or volunteer role was not due to end at the expiry of a fixed term contract; or,
5. The member of staff or volunteer would have been dismissed or considered for dismissal had the contract not expired.

Commonwealth Games Scotland will also refer the case of a staff member or volunteer where information becomes available after the member of staff or volunteer has:

- been dismissed by Commonwealth Games Scotland
- resigned, retired or been made redundant,
- been transferred to another position in Commonwealth Games Scotland which is not regulated work with children; and,
- where Commonwealth Games Scotland] receives information that a member of staff or volunteer who holds a position of regulated work has been listed on the Children's List, the member of staff or volunteer will be removed from the regulated work with children post.

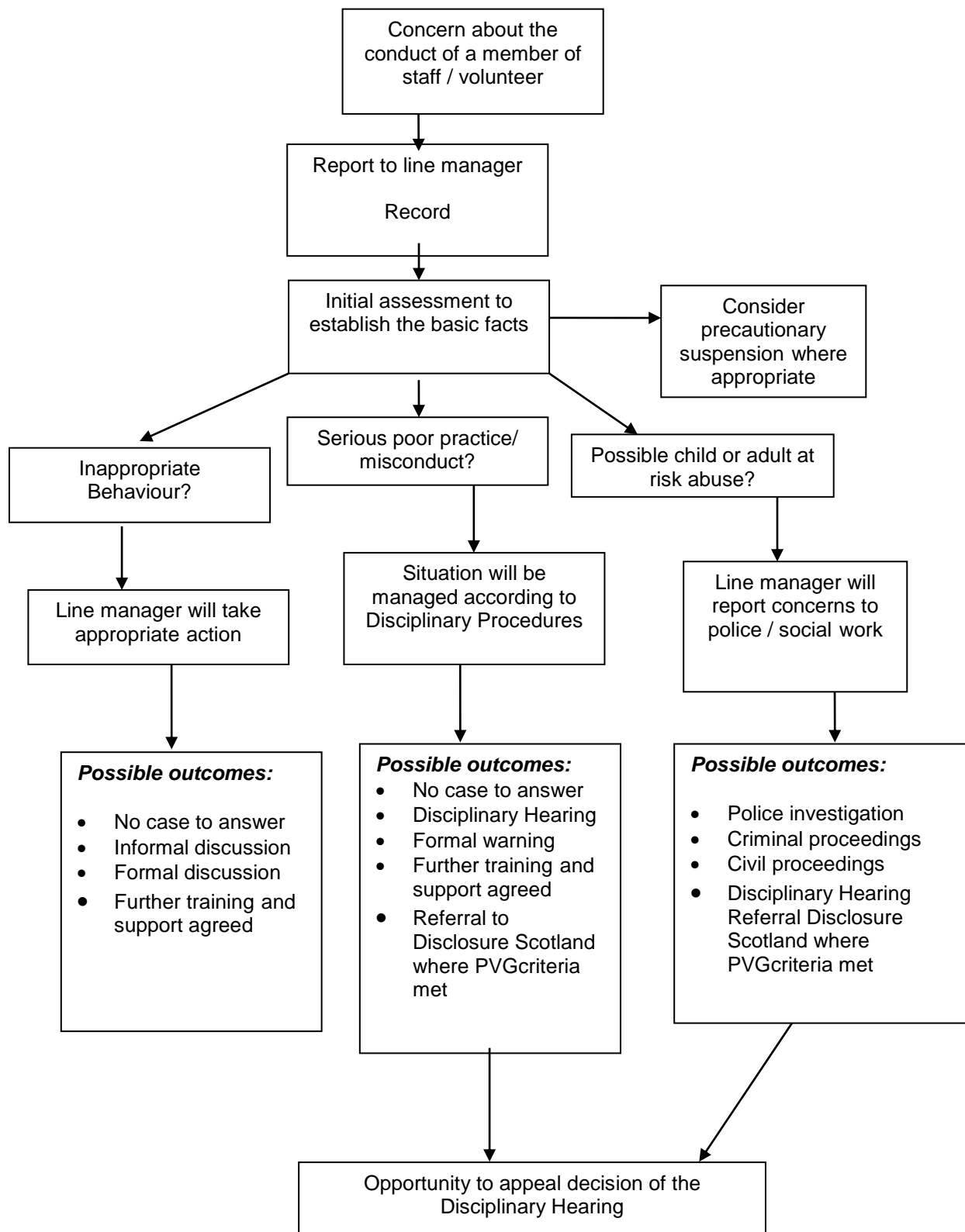
b) If Disclosure Scotland notify Commonwealth Games Scotland that a member of staff/volunteer is considered for listing that individual will be suspended as a precaution until the outcome of the case is determined. Remember that suspension is not a form of disciplinary action and does not involve pre-judgment. In all cases of suspension the welfare of children will be the paramount concern.

c) If Disclosure Scotland inform Commonwealth Games Scotland that an individual is barred, that member of staff/volunteer will be removed from regulated work with children immediately in line with the Protection of Vulnerable Groups (Scotland) Act 2007.

12 Media

All media enquiries relating to the conduct of a member of staff or volunteer will be referred to Commonwealth Games Scotland Child Protection Officer.

RESPONDING TO CONCERNS ABOUT THE CONDUCT OF A MEMBER OF STAFF OR VOLUNTEER



APPENDICES

APPENDIX 1: WHAT ARE WE PROTECTING CHILDREN AND ADULTS AT RISK OF HARM AGAINST?

The following examples are ways in which children may be abused or harmed, either within or out with sport.

The quotes used in the following Appendix are taken from *Protecting Children- A Shared Responsibility, Guidance on Inter-agency co-operation* (Scottish Office, 1998). They refer to protecting children however for the purposes of these guidelines they should also be read as referring to Adults at Risk of Harm.

CHILD ABUSE

In Scotland child abuse is defined as follows:

'Children may be in need of protection where their basic needs are not being met, in a manner appropriate to their age and stage of development, and they will be at risk through avoidable acts of commission or omission on the part of their parent(s), sibling(s) or other relative(s), or a carer (i.e. the person while not a parent who has actual custody of the child).'²

This definition includes placing children at risk through something a person has done to them or something a person is failing to do for them. For those working in the field of child care and protection the definition gets broken down further into categories of abuse, namely;

- | | |
|------------------------|----------------------|
| (i) Emotional Abuse | (ii) Physical Injury |
| (iii) Physical Neglect | (iv) Sexual Abuse |

These categories are not mutually exclusive, for example, a child experiencing physical abuse is undoubtedly experiencing emotional abuse as well. The following definitions of the different types of child abuse are taken from *Protecting Children- A Shared Responsibility, Guidance on Inter-agency co-operation* (Scottish Office, 1998).

Identifying Child Abuse

Although the physical and behavioural signs listed may be symptomatic of abuse, they may not always be an indicator and, conversely, children or Adults at Risk of Harm experiencing abuse may not demonstrate any of these signs.

Child abuse is often difficult to recognise. It is not the responsibility of anyone involved in sport to decide whether or not a child has been abused. This is the role of trained professionals. We all however, have a duty to act on any concerns about abuse.

Children at Risk

Research³ tells us that children who have a learning or physical disability are more vulnerable to abuse. This is because:

- they are often dependent on a number of people for care and handling, some of which can be of an intimate nature.
- they may be unable to understand the inappropriateness of the actions or communicate to others that something is wrong.
- signs of abuse can be misinterpreted as a symptom of the disability.
- like other children they are fearful of the consequences of disclosing abuse.
- attitudes and assumptions that children with disabilities are not abused.
- they may be unable to resist abuse due to physical impairment.
- of negative attitudes towards children with disabilities.
- possible failures to recognise the impact of abuse on children with disabilities.

All staff and volunteers when with working with children affected by disability should take particular care.

² Protecting Children- A Shared Responsibility. A Guidance on Interagency Co-operation (The Scottish Office, 1998)

³ "It doesn't happen to disabled children" Child protection and Disabled Children, NSPCC (2003)

(i) EMOTIONAL ABUSE

“failure to provide for a child’s basic emotional needs such as to have a severe effect on the behaviour and development of the child”

This could include making a child feel worthless or unloved, inadequate or not valued; inappropriate expectations being imposed on children or Adults at Risk of Harm for their age or stage of development; the corruption or exploitation of a child, or causing them frequently to feel frightened or in danger; persistent exposure to domestic abuse; failing to provide a child with love, care and affection.

Examples of Emotional Abuse in Sport

- Persistent failure to show any respect to a child e.g. continually ignoring a child.
- Constantly humiliating a child by telling them they are useless.
- Continually being aggressive towards a child making them feel frightened.
- Acting in a way that is detrimental to the child’s self-esteem.

Signs that may raise concerns about emotional abuse include:

- low self-esteem
- running away
- extremes of passivity or aggression
- significant decline in concentration
- indiscriminate friendliness and neediness
- self-harm or mutilation

(ii) PHYSICAL INJURY

“actual or attempted physical injury to a child, including the administration of toxic substances, where there is knowledge or reasonable suspicion, that the injury was inflicted or knowingly not prevented”.

This could include deliberately hitting, shaking, throwing, poisoning, burning, scalding, drowning, suffocating or otherwise harming a child. Physical injury may also occur where someone knowingly fails to take action to protect a child from physical harm.

Most children sustain accidental cuts and bruises throughout childhood. These are likely to occur in parts of the body like elbows, shins and knees. An important indicator of physical abuse is where the bruises or injuries are unexplained or the explanation does not fit the injury or the injury appears on parts of the body where accidental injuries are unlikely e.g. on the cheeks or thighs. The age of the child must also be considered. It is possible that some injuries may have occurred for other reasons e.g. skin disorders, rare bone diseases.

Physical injury may also be caused when a parent feigns the symptoms of or deliberately causes ill health to a child whom they are looking after. This is known as *Fabricated Fictitious Syndrome by Proxy*. A parent may do this because they need or enjoy the attention they receive through having a sick child.

Examples of Physical Abuse in Sport

Bodily harm that may be caused by:

- over training or dangerous training of athletes.
- over playing an athlete.
- failure to do a risk assessment of physical limits or pre-existing medical conditions.
- administering, condoning or failure to intervene in drug use.

Signs that may raise concerns about physical abuse include:

- refusal to discuss injuries
- improbable excuses given to explain injuries
- running away
- aggression towards others
- fear of parents being approached for an explanation
- untreated injuries

- excessive physical punishment
- avoiding activities due to injuries or possibility of injuries being discovered
- unexplained injuries, particularly if recurrent

(iii) PHYSICAL NEGLECT

“This occurs where a child’s essential needs are not met and this is likely to cause impairment to physical health and development. Such needs include food, clothing, cleanliness, shelter and warmth. A lack of appropriate care, including deprivation of access to health care, may result in persistent or severe exposure, through negligence, to circumstances which endanger the child”.

As well as being the result of a deliberate act, neglect can also be caused through the omission or the failure to act or protect e.g. the failure to obtain medical attention for a child.

Examples of Physical Neglect in Sport

- exposing a child to extreme weather conditions e.g. heat and cold.
- failing to seek medical attention for injuries.
- exposing a child to risk of injury through the use of unsafe equipment.
- exposing a child to a hazardous environment without a proper risk assessment of the activity.
- failing to provide adequate nutrition and water.

Signs that may raise concerns about physical neglect include:

- constant hunger
- constant tiredness
- untreated medical problems
- poor peer relationships
- poor personal hygiene and/or poor state of clothing
- frequent lateness or unexplained non-attendance (particularly at school)
- low self-esteem
- stealing

(iv) SEXUAL ABUSE

“Any child may be deemed to have been sexually abused when any person(s), by design or neglect, exploits the child, directly or indirectly, in any activity intended to lead to the sexual arousal or other forms of gratification of that person or other person(s) including organised networks. This definition holds whether or not there has been genital contact and whether or not the child is said to have initiated or consented to, the behaviour”.

This includes forcing or enticing a child to take part in sexual activities whether or not they are aware of or consent to what is happening. Sexual abuse may involve physical contact, and non-contact acts such as forcing children to look at or be involved in the production of pornographic material, to watch sexual activities or encouraging them to behave in sexually inappropriate ways. Some of the aforementioned activities can occur through the internet.

Boys and girls are sexually abused by males and females, including persons to whom they are and are not related and by other young people. This includes people from all walks of life.

Some children may never be able to tell someone they have been sexually abused. Changes in a child’s behaviour *may* be a sign something has happened. In some cases there may be no physical or behavioural signs to suggest that a child has been sexually abused.

Examples of Sexual Abuse in Sport

- exposure to sexually explicit inappropriate language or jokes.
- showing a child pornographic material or using a child to produce such material.
- inappropriate touching.
- sexual intercourse and/or sexual activity with a child under 16.

The following signs *may* raise concerns about sexual abuse:

- lack of trust in adults or over familiarity with adults, fear of a particular adult
- sleep disturbance (nightmares, bed-wetting, fear of sleeping alone)
- girls taking over the mothering role
- reluctance or refusal to participate in physical activity or to change clothes for games
- drug, alcohol or solvent abuse
- sexual promiscuity, over-sexualised behaviour, compulsive masturbation
- unusual interest in the genitals of adults, children or animals
- bruises, scratches, bite marks to the thighs or genital areas
- discomfort/difficulty in walking or sitting
- urinary tract problems, vaginal infections or genital damage
- stained underwear, soiling or wetting
- fear of bathrooms, showers, closed doors
- having irrational fears
- psychosomatic factors e.g. recurrent abdominal or headache pain
- social isolation – being withdrawn or introverted, poor peer relationship
- running away from home
- school problems e.g. falling standards, truancy
- low self-esteem
- display of sexual knowledge beyond the child's age
- eating disorders
- anxiety, depression, self-harm/mutilation, suicide attempts
- pregnancy
- fear of medical examinations
- genital odour, venereal /sexually transmitted diseases
- itchiness, soreness, discharge, unexplained bleeding from the rectum, vagina or penis
- abnormal sexual drawings
- developmental regression/acting younger than their age
- "Grooming" including over the internet.

BULLYING

Bullying may be seen as particularly hurtful behaviour, usually repeated over a period of time, where it is difficult for those being bullied to defend themselves. It can take many forms including children and Adults at Risk of Harm being bullied by adults, their peers and in some cases by members of their families. Bullying can be difficult to identify because it often happens away from others and those who are bullied often do not tell anyone.

Bullying is a significant issue for children and has been the main reason for calls to ChildLine for the last eight consecutive years.


Examples of Bullying in Sport

- physical e.g. theft, hitting, kicking (in some cases, this might constitute an assault).
- verbal (including teasing) e.g. racist or sectarian remarks, spreading rumours, threats or name-calling, ridicule or humiliation.
- emotional e.g. isolating a child from the activities or social acceptance of the peer group.
- harassment e.g. using abusive or insulting behaviour in a manner intended to cause alarm or distress.

Signs that may raise concerns about bullying include:

- hesitation or reluctance to come to attend training or activity
- reluctance to go to certain places or work with a certain individual
- bruising or other injuries
- often last one picked for a team or group activity for no apparent reason, or being picked on when they think your back is turned
- clothing or personal possessions go missing or get damaged
- 'losing' pocket money repeatedly

- becoming nervous and withdrawn
- suddenly prone to lashing out at people, either physically or verbally, when normally quiet

 Appendix 4 page 48 - Guidelines for Managing Bullying

RACISM

Children and Adults at Risk of Harm from British minority ethnic communities (and their parents) may have experienced harassment, racial discrimination, and institutional racism. Although not formally recognised as a form of child or Adults at Risk of Harm abuse, racism can be emotionally harmful to children or Adults at Risk of Harm. Some racist acts also involve acts of physical violence towards individuals or groups.

All organisations working with children or Adults at Risk of Harm, including those where British minority ethnic communities are numerically small, should address institutional racism.

HARASSMENT

An essential characteristic of harassment is that it is unwanted by the recipient. It is for individuals to determine what behaviour is acceptable to him or her and what they regard as offensive.

Children and Adults at Risk of Harm may experience harassment or negative discrimination because of their race or ethnic origin, socio-economic status, culture, age, disability, gender, sexuality or religious beliefs. This can have a detrimental effect on a child or Adults at Risk of Harm.

APPENDIX 2: ROLES AND RESPONSIBILITIES

THE ROLE OF COMMONWEALTH GAMES SCOTLAND IN PROTECTING CHILDREN AND ADULTS AT RISK OF HARM

Why protecting children and Adults at Risk of Harm is important

There are many reasons why Commonwealth Games Scotland need to address, plan and implement the protection of children and Adults at Risk of Harm. It:

- Will help to ensure Commonwealth Games Scotland fulfil legal and moral obligations for the care and protection of children and Adults at Risk of Harm.
- Sends a positive message to both children and parents about the value you place on children and Adults at Risk of Harm and their participation in sport.
- Sends a positive message to staff and volunteers that you will support and guide them when they work with children and Adults at Risk of Harm and you will put safeguards in place to minimise risk to all.
- Sets the standards and expectations for everyone working in the sport and provides a benchmark against which practice can be measured and challenged.
- Builds a legacy for the future of the sport.
- Reduces the risk of successful legal action against the organisation by ensuring that all legal duties have been fulfilled and that all reasonable steps have been taken to safeguard and promote the health, welfare and development of children and Adults at Risk of Harm.

These recommendations are based on legislation, national guidance and messages from inquiries and recognised good practice.

The Child Protection Officer has the main responsibility for managing child and Adults at Risk of Harm protection issues with Commonwealth Games Scotland staff and volunteers.

The role of the Child Protection Officer in relation to staff matters is largely detailed in the Procedure for Responding to Concerns about the Conduct of a Staff Member or volunteer (Page 27).

The Child Protection Officer will:

- Implement and promote Commonwealth Games Scotland Child and Adults at Risk of Harm Protection Policy and Procedures.
- Regularly report to the Executive Committee.
- Act as the main contact for the protection of children and Adults at Risk of Harm.
- Provide information and advice on the protection of children and Adults at Risk of Harm.
- Establish and raise awareness of the protection of children and Adults at Risk of Harm.
- Support and raise awareness of the protection of child and Adults at Risk of Harm.
- Keep abreast of developments and understand the latest information on data protection, confidentiality and other legal issues that impact on the protection of children and Adults at Risk of Harm.
- Encourage good practice and support of procedures to protect children and Adults at Risk of Harm.
- Establish and maintain contact with local statutory agencies including the Police and Social Work Department.
- Maintain confidential records of reported cases, action taken, liaise with the statutory agencies and ensure they have access to all necessary information.
- Organise training for staff, coaches and service providers.

- Regularly monitor and review Commonwealth Games Scotland Child and Adults at Risk of Harm Protection Policy and Procedures

Other Staff Roles

All **COMMONWEALTH GAMES SCOTLAND** staff and volunteers have a responsibility for the promotion and development of child and Adults at Risk of Harm protection. Their responsibilities include:

- Establishing and raising awareness of child and Adults at Risk of Harm protection in their specific area of work.
- Ensuring that the latest information on child and Adults at Risk of Harm issues is accessible within their area of the organisation and available for partner organisations.
- Investigating and understanding the latest information on data protection, confidentiality and other legal issues that impact on the protection of children and Adults at Risk of Harm specific to their area of work.
- Encouraging good practice and support of child and Adults at Risk of Harm protection procedures.
- Liaising with sport organisations and other relevant organisations such the Police and Local Authorities

APPENDIX 3: CHILD PROTECTION – RELEVANT LEGISLATION

This is intended as a brief guide to the legislation relevant to the care and protection of children in Scotland. Sports organisations should obtain advice from a solicitor in relation to specific legal issues.

INTERNATIONAL CONVENTIONS

United Nations Convention on the Rights of the Child (1989) UNCRC

An international agreement which prescribes the rights of all children and young people under the age of 18. The rights in the Convention generally cover three areas: participation (e.g. a child's right to have a say in decisions which affect them), provision (e.g. provision of services to promote health and education) and protection (e.g. the right to be protected from all forms of abuse, harm and exploitation at all times).

The UK is a signatory to UNCRC and must report to a UN Committee on steps taken to promote and respect these rights. Whilst not legally binding, the Convention is highly influential on decisions made by courts and public authorities about the lives of children.

European Convention on Human Rights (1950)

This convention is legally binding on the UK because its provisions were introduced in to the law of Scotland by the Human Rights Act 1998 and the Scotland Act 1998. The rights prescribed apply to children and adults. The main articles of relevance are:

Article 8: right to respect for private and family life, home and correspondence Article 3: the right not to be tortured or experience inhuman or degrading treatment

Courts and public authorities must act in a manner which is consistent with these rights and can only interfere (in some cases) where there is a legitimate reason to do so. The protection of children is one such reason. For a copy of the Convention see http://www.hrcr.org/docs/Eur_Convention/euroconv.html

UK and SCOTTISH LEGISLATION

Rehabilitation of Offenders Act 1974

Generally, criminal convictions become spent after a period of time (which depends on the sentence imposed by the court at the time of conviction). As a result of this Act spent convictions, generally, do not have to be disclosed to potential employers.

Exclusions and Exceptions (Scotland) Amendment Order 2010

There are certain jobs and voluntary positions for which prospective employers need to know about a person's criminal record to decide whether they are suitable for the position e.g. regulated work with children and Adults at Risk of Harm. This Order lists the positions and professions where there is an exception to the general rule on non-disclosure of convictions.

Police Act 1997

Part V of this legislation made it possible for local authorities, third sector organisations (e.g. sports organisations) as well as other organisations to seek to obtain criminal record certificates on individuals likely to undertake direct work with children and other vulnerable groups.

Age of Legal Capacity (Scotland) Act 1991

Children under 16 do not generally have legal capacity. This act sets out the circumstances in which children are regarded as having legal capacity including the ability to consent to medical treatment.

Criminal Procedure (Scotland) Act 1995

Schedule 1 to this Act contains a list of offences against children e.g. abandonment or wilful neglect. Someone who has committed an offence which is listed in this Schedule is often referred to by professionals as a “Schedule 1 offender”.

Children (Scotland) Act 1995

The main piece of legislation covering child welfare and protection. Covers the rights and responsibilities of parents, the role of the local authority, the Children’s Hearing System and introduced a number of measures for taking action to protect children in an emergency. This Act clearly states that the best interests of the child must always be considered and children should be given an opportunity to have a say on matters which affect them, should they wish to do so.

Data Protection Act 1998

Applies to any information, however obtained and used, which relates to living persons. Covers how such information is to be gathered, stored, processed and protected. All organisations that hold or process personal data must comply.

Sexual Offences (Amendments) Act 2000 – Sexual Offences (Scotland) Act 2009

Introduced a new offence of abuse of trust applicable to “positions of trust” which involve looking after children and young people who are in full time education, detained under a court order, looked after in a hospital/ children’s home or other establishment providing social care or in foster care.

Section 55 also allows for a Scottish resident to be convicted of an offence committed abroad if it would be deemed a criminal offence in Scotland. It is no longer necessary for the behaviour to be illegal in the country where it occurs. Unlawful sexual intercourse with a 12-year-old somewhere in Asia, for example would be able to be prosecuted in Scotland.

Protection from Abuse (Scotland) Act 2001

While the primary focus of this legislation is women subjected to domestic abuse and the potential legal remedies available to them, parts of this Act can be applied to attempts to safeguard the interests of children, particularly given what is now known about the impact of abuse on children. The primary remedy offered by the Act is that of the powers of arrest being attached to an interdict, regardless of the relationship between the abused and the abuser.

Criminal Justice (Scotland) Act 2003

Amended the law in Scotland in relation to the physical punishment of children by parents. This Act makes it illegal for parents to hit a child on the head, hit a child with an implement and to shake a child.

Commissioner for Children and Young People (Scotland) Act 2003

This Act created the role of Scotland’s Commissioner for Children and Young People. The Commissioner promotes and safeguards the rights of children living in Scotland as set out in UNCRC.

Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005

Addresses the predatory behaviour of those who “groom” children with the aim of abusing them by introducing a new offence of “grooming”. Enables the police to take preventative action before the child meets the perpetrator. Provides the police and courts with additional powers to apply for and grant, a Risk of Sexual Harm Order on those who are considered to pose a risk to children.

Protection of Vulnerable Groups (Scotland) Act 2007

All organisations have a legal responsibility to ensure that any individual who will be in regulated work with children or protected adults is not listed on the Children's List and/or Adult's List, which bars them from working with children and/or protected adults. Regulated work with children includes:

- _ caring for children
- _ teaching, instructing, training or supervising children
- _ being in sole charge of children
- _ having unsupervised access to children
- _ being a host parent.

The PVG Scheme is a membership scheme for people doing regulated work with children and/or protected adults in Scotland. For an organisation to check an individual against a list, they can request an individual becomes a PVG Scheme member by applying for a Scheme Record. A Scheme Record disclosure will provide the organisation and individual with any vetting information, criminal conviction information, if they are on the Sex Offender's Register, relevant non-conviction information from police forces and any prescribed civil orders. This information may then help employers to make safer recruitment decisions. Short scheme records and statements of scheme membership are other forms of disclosure available to organisations and individuals.

Organisations also have a legal duty to refer individuals who meet the referral criteria to Disclosure Scotland to be considered for listing. The PVG Scheme is managed and delivered by Disclosure Scotland. Organisations can register directly with Disclosure Scotland to access this vetting information.

For more information and details on PVG: <http://www.scotland.gov.uk/Topics/People/Young-People/children-families/pvglegislation/>

APPENDIX 4: GUIDELINES FOR MANAGING BULLYING

Bullying may be seen as particularly hurtful behaviour usually repeated over a period of time, where it is difficult for those bullied to defend themselves. Bullying can take many forms including:

- Physical e.g. hitting, kicking, theft
- Verbal (including teasing) e.g. racist remarks, spreading rumours, threats or name-calling
- Emotional e.g. isolating a child or Adults at Risk of Harm from the activities or social acceptance of the peer group
- Harassment e.g. using abusive or insulting behaviour in a manner intended to cause alarm or distress.
- Children and Adults at Risk of Harm may be bullied by adults, their peers and in some cases by their families.

Action to Help the Victim(s) and Prevent Bullying:

- Take all signs of bullying very seriously.
- Encourage all children and Adults at Risk of Harm to speak and share their concerns. Help the victim(s) to speak out and tell the person in charge or someone in authority. Create an open environment.
- Take all allegations seriously and take action to ensure the victim(s) is safe. Speak with the victim and the bully(ies) separately.
- Reassure the victim(s) that you can be trusted and will help them, although you cannot promise to tell no one else.
- Keep records of what is said i.e. what happened, by whom and when.
- Report any concerns to the person in charge at the organisation where the bullying is occurring.

Action towards the Bully(ies):

- Talk with the bully(ies), explain the situation and try to get the bully(ies) to understand the consequences of their behaviour.
- Seek an apology from the bully to the victim(s).
- Inform the bully's parents/guardians.
- If appropriate, insist on the return of 'borrowed' items and that the bully(ies) compensates the victim.
- Impose sanctions as necessary.
- Encourage and support the bully(ies) to change behaviour
- Keep a written record of action taken.